

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

BRANDON WALKER,

Plaintiff,

v.

Civil Action No. **3:24CV534**

OFFICER SMITLEY, *et al.*,

Defendants.

MEMORANDUM OPINION

Plaintiff, a Virginia inmate proceeding *pro se*, submitted a letter complaining about jail staff tampering with his legal mail. (ECF No. 1.) It is unclear whether Plaintiff wished to pursue a new civil action based on the allegations in the letter.¹ Nevertheless, by Memorandum Order entered on August 6, 2024, the Court provided Plaintiff with the opportunity to file a complaint based on these allegations within thirty (30) days of the date of entry thereof. (ECF No. 2.) On August 12, 2024, the Court received a letter from Plaintiff indicating that he did not wish to bring a second civil action based on the letter he wrote to the Court that was opened as this new action. (ECF No. 3, at 1.) Plaintiff states that he wishes to proceed with the action against Officer Smitley where he already submitted the § 1983 form or *Walker v. Smitley*, No. 3:24CV548, ECF No. 1.

Accordingly, because this civil action is a duplicate of another pending case, and at Plaintiff's request, this matter will be **DISMISSED WITHOUT PREJUDICE**. Plaintiff may continue to litigate his complaint in *Walker v. Smitley*, No. 3:24CV548.

¹ On July 31, 2024, the Court received a § 1983 complaint from Plaintiff complaining about his legal mail being opened on June 11, 2024. *See Walker v. Smitley*, No. 3:24CV548, ECF No. 1. If Plaintiff only intends to bring one civil action about his legal mail, he should notify the Court or, in the alternative, if he does not respond, after thirty days the Court will dismiss this action.

The Clerk is DIRECTED to send a copy of this Memorandum Order to Plaintiff.

It is SO ORDERED.

Date: *19 August 2024*
Richmond, Virginia

/s/ [Signature]

John A. Gibney, Jr.
Senior United States District Judge